

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION

METRO FIBERNET, LLC,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 3:21-cv-00059-RLY-MPB
	)	
JOHNSON CONTROLS, INC.,	)	
	)	
Defendant.	)	

**ORDER ADOPTING REPORT AND RECOMMENDATION**


On April 22, 2022, the Magistrate Judge issued a Report and Recommendation, recommending that Defendant, Johnson Controls, Inc.'s, motion to compel arbitration pursuant to Federal Rule of Civil Procedure 12(b)(3) be granted "to the extent that the case be dismissed without prejudice based on *forum non conveniens*." (Filing No. 52, Report and Recommendation at 19).

Neither party filed an objection. Consequently, the court reviews the Report and Recommendation for clear error. *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

After reviewing the parties' briefs, the relevant law, and the Report and Recommendation, the court finds the Magistrate Judge did not commit clear error. Therefore, the court **ADOPTS** the Magistrate Judge's Report and Recommendation (Filing No. 52). Defendant's motion to compel arbitration (Filing No. 33), construed as a

*forum non conveniens* motion, is **GRANTED**. This matter is hereby **DISMISSED** **without prejudice**, and final judgment shall issue accordingly.

**SO ORDERED** this 11th day of May 2022.



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RICHARD L. YOUNG, JUDGE  
United States District Court  
Southern District of Indiana

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